

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA COUNTY**

IN THE MATTER OF ESTABLISHING)	ADMINISTRATIVE ORDER
A POLICY ON THE APPROPRIATE)	No. 2006-046
TREATMENT OF WEAPONS AS)	(Amends No. 2003-082)
<u>EXHIBITS</u>)	

WHEREAS weapons of various types are brought into the Court for the purpose of offering them into evidence as exhibits; and

WHEREAS the safe handling and exchange of these weapons is an important security Issue for the Court; and

WHEREAS Administrative Order No. 2004-089, which superseded Administrative Order 95-024 establishes a procedure that addresses the handling of dangerous (biohazard) materials offered as exhibits but does not directly address the care and handling of guns, knives and other dangerous instruments offered as exhibits,

IT IS ORDERED:

Establishing a policy for the appropriate treatment of weapons as exhibits in accordance with the following recommendations of the Judicial Executive Committee (Weapons as Exhibits).

I. Responsibility for Preparing Weapon for Court

The responsibility for preparing a weapon for Court will rest with the Party intending to offer as an exhibit. The party will provide the weapon to the clerk in a state that is safe to be used as an exhibit as described below.

II. Safe Weapons Exhibit

- A. All guns intended to be offered as exhibits shall be delivered to the clerk using the following procedures:
 - 1. Rendered inoperable by use of locks, cables or other similar devices without damage to the weapon.
 - 2. Presented emptied of bullets/ammunition/clips/magazines.
 - 3. Packaged separately from any bullets to be offered as exhibits.
- B. All stun guns, tasers or EMDs (Electro-Muscular Devices) using electrical charges to incapacitate a targeted person, to be offered as exhibits shall be delivered to the clerk using the following procedures:

1. Rendered inoperable by use of locks, cables or other similar devices without damage to the weapon.
2. Presented emptied of all batteries and cartridges.
3. Weapon shall be packaged separately from any batteries and cartridges.
4. Batteries and cartridges shall be packaged separately.

C. All knives intended to be offered as exhibits shall be delivered to the clerk using the following procedures:

1. Placed in a sheath cover
2. Packaged pursuant to the biohazard safety requirements of Administrative Order No. 2004-089.

D. Other weapons which may contain biohazard material.

All weapons intended to be offered as exhibits that may contain biohazard material (e.g. blood) shall be delivered to the clerk, sealed in a manner that complies with Administrative Order No. 2004-089.

III. Weapons Submitted to the Jury

A. Guns (including stun guns, tasers, EMDs)

1. No bullets shall be allowed into the jury room when a gun is also in the jury room.
2. No batteries and/or cartridges shall be allowed into the jury room when a taser, stun gun or other such EMD is also in the jury room.

B. Knives and Other Weapons

1. Knives submitted to the jury shall be in a sheath and sealed pursuant to Administrative Order No. 2004-089.
2. Other weapons, which may contain biohazard material, shall be sealed pursuant to Administrative Order No. 2004-089.
3. Jurors shall be instructed not to remove a weapon from its sealed package if it may contain biohazard material and the jury will seek authority from the Court if they wish to view the weapon outside of the packaging.

IV. Deviations from this Policy – Weapons as Exhibits

- A. If a Court deviates from this policy because of the factual circumstances of a particular case, that deviation will be reflected in the minute entry.

DATED this 14th day of April, 2006.

Barbara Rodriguez Mundell
Presiding Judge

Original: Filed with the Clerk of the Court

Copies: Hon. Michael K. Jeanes, Clerk of the Superior Court
Hon. James H. Keppel, Criminal Presiding Judge
Hon. Douglas Rayes, Chair, Weapons as Exhibits Subcommittee
Hon. Andrew P. Thomas, County Attorney
James Haas, Public Defender
Robert Briney, Legal Defender
Mark Kennedy, Office of Contract Counsel
Marcus Reinkensmeyer, Judicial Branch Administrator